

MINUTES

GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT

A Regular Meeting of the Garden Grove Agency for Community Development was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, on Tuesday, August 9, 2011, at 5:41 p.m.

ROLL CALL: PRESENT: (3) VICE CHAIR NGUYEN, MEMBERS BEARD, DALTON

ABSENT: (2) CHAIR BROADWATER absent at Roll Call, but joined the meeting at 5:45 p.m.
MEMBER JONES absent at Roll Call, but joined the meeting at 5:45 p.m.

PUBLIC INPUT ON CLOSED SESSION MATTERS

None.

ADJOURN TO CLOSED SESSION

At 5:43 p.m., under the Ralph M. Brown Act, the meeting was adjourned to Closed Session in the Founders Room to discuss the following:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Properties: 13502 Barnett Way, Garden Grove; 13501 Barnett Way, Garden Grove; 13502 Lanning Street, Garden Grove

City Negotiator: Matthew Fertal, City Manager

Negotiating Party: Gergen Construction, Inc.

Under Negotiation: To obtain direction regarding the price and terms for potential acquisition of real property.

RECESS

At 6:22 p.m., Chair Broadwater declared a recess.

RECONVENE IN OPEN SESSION

At 6:59 p.m., Chair Broadwater reconvened the meeting with all Members present.

It was announced that the Closed Session matter previously disclosed was discussed and no reportable action was taken.

ORAL COMMUNICATIONS

None.

MATTERS FROM AGENCY MEMBERS AND DIRECTOR

None.

ADJOURNMENT

At 7:25 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR, CMC
SECRETARY

MINUTES

GARDEN GROVE CITY COUNCIL

A Regular Meeting of the City Council of the City of Garden Grove was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, on Tuesday, August 9, 2011, at 5:41 p.m.

ROLL CALL: PRESENT: (3) MAYOR DALTON, COUNCIL MEMBERS BEARD, NGUYEN

ABSENT: (2) COUNCIL MEMBER BROADWATER absent at Roll Call, but joined the meeting at 5:45 p.m.
COUNCIL MEMBER JONES absent at Roll Call, but joined the meeting at 5:45 p.m.

PUBLIC INPUT ON CLOSED SESSION MATTERS

None.

ADJOURN TO CLOSED SESSION

At 5:43 p.m., under the Ralph M. Brown Act, the meeting was adjourned to Closed Session in the Founders Room to discuss the following:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)
Patel v. City of Garden Grove (2 matters)

RECESS

At 6:22 p.m., the Mayor declared a recess.

RECONVENE IN OPEN SESSION

At 6:30 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

It was announced that the previously disclosed Closed Session matters were discussed and no reportable action was taken.

INVOCATION AND PLEDGE

Kingsley Okereke, Finance Director, gave the Invocation. Council Member Beard led the Pledge of Allegiance to the Flag of the United States of America.

COMMUNITY SPOTLIGHT: RECOGNITION OF DANIELLE ALVAREZ, PARKER GOERTZ, AND CADEN GILLESPIE, CITY'S TINY TOT PROGRAM PARTICIPANTS, FOR THEIR ARTWORK ON DISPLAY AT THE IMAGINATION CELEBRATION GALLERY IN SOUTH COAST PLAZA (F: 52.3)

Mayor Dalton called forward Danielle Alvarez, Parker Goertz, and Caden Gillespie and presented each with a Certificate of Recognition and small gift in recognition of the attention their artwork has received.

PRESENTATION – ORANGE COUNTY TRANSPORTATION AUTHORITY (F: 52.3)

Kenneth Oh and Christina Byrne provided a presentation regarding the SR-22/I-405/I-605 West County Connectors Project.

COMMUNICATIONS – PUBLIC COMMENTS

Marla James, Orange County Americans for Safe Access Director, Paul Lucas, and Keith Morton, spoke in favor of the City's proposed Medical Marijuana Dispensary Ordinance.

Lisa Ball, Air Quality Management District (AQMD) representative, provided information regarding the AQMD.

Peter Katz, Vietnam War Museum of America Foundation Board Member, announced that The Moving Wall would be in Garden Grove from October 6-10, 2011, at Garden Grove Park.

Elaine Washington requested a letter from the Mayor for Dale Cavender who is working toward his Eagle Scout rank.

Peggy Bergin commented on several matters on the agenda, as well as community events.

Charles Mitchell commented on his work with James Nolan on the Grand Jury, and requested the Mayor adjourn the meeting in his memory.

Nicholas Dibs commented on the West County Connectors Project presentation, and suggested that rubberized asphalt be used to reduce the noise.

COUNCIL MEMBER RESPONSE TO PUBLIC COMMENTS

Mayor Dalton asked staff to contact Ms. Washington regarding her request.

RECESS

At 7:24 p.m., the Mayor declared a recess.

RECONVENE

At 7:26 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

AGREEMENT WITH ORANGE COUNTY TRANSPORTATION AUTHORITY FOR THE MEASURE M2 COMPREHENSIVE TRANSPORTATION FUNDING PROGRAMS (F: 23.18C)

Staff report dated August 9, 2011, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that the Master Funding Agreement No. C-1-2764 by and between the City of Garden Grove and the Orange County Transportation Authority for the M2 Comprehensive Transportation Funding Programs, be and hereby is approved; and the Mayor is authorized to execute the Agreement on behalf of the City.

AGREEMENT WITH WM CURBSIDE, LLC FOR ADMINISTRATION OF THE CITY'S USED OIL RECYCLING PROGRAM (F: S-55-WM Curbside, LLC)

Staff report dated August 9, 2011, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and WM Curbside, LLC, for used motor oil collection and the administration of the used oil grants, in an amount not to exceed \$150,000 through June 30, 2014, be and hereby is approved; that an Assignment Agreement among the City of Garden Grove, Curbside, Inc., and WM Curbside, LLC, be and hereby is approved; and the City Manager is authorized to execute the Agreements on behalf of the City.

AGREEMENT WITH THE KOREAN FESTIVAL FOUNDATION OF ORANGE COUNTY
TO CONDUCT THE KOREAN FESTIVAL AT THE VILLAGE GREEN PARK
(F: 55-Korean Festival Foundation of Orange County)

Staff report dated August 9, 2011, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and the Korean Festival Foundation of Orange County to conduct the 2011 Korean Festival at the Village Green Park, be and hereby is approved; and the City Manager is authorized to execute the Agreement, including any minor amendments thereto, on behalf of the City.

AGREEMENT WITH COMMUNITY SENIORSERV NUTRITION TRANSPORTATION
PROGRAM FOR GRANT FUNDING FOR TRANSPORTATION SERVICES FOR THE
H. LOUIS LAKE SENIOR CENTER
(F: 55-Community SeniorServ Nutrition Transportation Program)

Staff report dated August 9, 2011, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Community SeniorServ for transportation services funding for the H. Louis Lake Senior Center, in the amount of \$24,012 for a one-year period, be and hereby is approved; and the City Manager is authorized to execute the Agreement, and any subsequent extensions to the Agreement through 2013-14, including any modifications thereto, on behalf of the City.

AGREEMENT WITH THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR GRANT
FUNDING FOR POLICE DEPARTMENT PROGRAMS (F: 82.15)

Staff report dated August 9, 2011, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and the California Office of Traffic Safety for a grant of \$150,000 to fund Driving Under the Influence (DUI) programs, be and hereby is approved; and the City Manager, Finance Director, and Police Chief are authorized to execute the forthcoming grant Agreement on behalf of the City.

PURCHASE ORDER TO WONDRIES FLEET GROUP FOR THE PURCHASE OF FIVE POLICE VEHICLES (F: 60.4)

Staff report dated August 9, 2011, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that the Finance Director be and hereby is authorized to issue a purchase order in the amount of \$122,555.50 to Wondries Fleet Group for the purchase of five new Police vehicles.

FINAL PARCEL MAP NO. PM-2011-113 FOR PROPERTY LOCATED AT 10080 GARDEN GROVE BOULEVARD, GARDEN GROVE (F: 118.PM-2011-113)

Staff report dated August 9, 2011, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that Parcel Map No. PM-2011-113 is consistent with the General Plan, and is in substantial compliance with Tentative Tract Map No. TT-16931; and that the Final Parcel Map No. PM-2011-113 for property located at 10080 Garden Grove Boulevard, Garden Grove, be and hereby is approved.

AMENDMENTS TO THE AGREEMENTS WITH THE GARDEN GROVE UNIFIED SCHOOL DISTRICT FOR LEASE OF PORTIONS OF WARREN ELEMENTARY SCHOOL (PIONEER PARK) AND EDGAR SCHOOL (EDGAR PARK) FOR RECREATIONAL PURPOSES (F: 55-Garden Grove Unified School District) (XR: 73.16) (XR: 73.18)

Staff report dated August 9, 2011, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that the Amendments No. 1 to the Lease Agreements by and between the City of Garden Grove and the Garden Grove Unified School District for joint use of school district properties at portions of Warren Elementary School (Pioneer Park) and Edgar School (Edgar Park) for community recreational purposes, be and hereby are approved; and the City Manager is authorized to execute the Agreements on behalf of the City.

WARRANTS (F: 60.5)

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that Regular Warrants 499365 through 501519, Wires W771 through W784, and Wires W500286-W501245; and Payroll Warrants 169623 through 169974, Direct Deposits D207721 through D209521, and Wires W1693 through W1702, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ESTABLISHING A MEDICAL MARIJUANA DISPENSARY REGISTRATION FEE
(F: 115.A-143-08)

Staff Report dated August 9, 2011, was introduced.

RESOLUTION NO. 9073-11

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that full reading of Resolution No. 9073-11 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING A MEDICAL MARIJUANA DISPENSARY REGISTRATION FEE, be and hereby is adopted.

WAIVER OF FULL READING OF ORDINANCES LISTED

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

PUBLIC HEARING - APPEAL OF DENIAL OF SITE PLAN NO. SP-460-11 AND
VARIANCE NO. V-189-11. THE APPLICANT, KHANH MAI VO, REQUESTED
APPROVAL TO CONVERT AN EXISTING COMMUNAL RECREATION ROOM INTO A
RESIDENTIAL DWELLING UNIT WITHIN AN EXISTING TRIPLEX LOCATED AT
8742 STANFORD AVENUE, GARDEN GROVE (F: 116.SP-460-11)

Council Member Beard announced that due to his former role as a Planning Commissioner he had voted on the recommendation on this item and recused himself from considering this matter due to a potential conflict of interest.

COUNCIL MEMBER BEARD LEFT THE MEETING AT 7:26 P.M.

Charles Minh Le, representing the applicant, requested that the Public Hearing be postponed to a later date.

It was moved by Council Member Jones, seconded by Council Member Nguyen, and carried by unanimous vote of those present, that this matter be continued to the October 11, 2011, City Council meeting.

COUNCIL MEMBER BEARD RETURNED TO THE MEETING AT 7:30 P.M.

PUBLIC HEARING - FISCAL YEAR 2011-12 ASSESSMENTS FOR THE GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1 (F: 69.2FY2011-12) (XR: 69.1)

Staff report dated August 9, 2011, was introduced and reviewed by staff.

Mayor Dalton declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

There being no response from the audience, the Public Hearing was declared closed.

The City Clerk announced that no written protests against the assessment were received by the closure of the Public Hearing. As a result, a majority protest was not submitted.

RESOLUTION NO. 9074-11

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that full reading of Resolution No. 9074-11 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2011-2012 FISCAL YEAR FOR THE GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1, be and hereby is adopted.

PUBLIC HEARING - FISCAL YEAR 2011-12 ASSESSMENT FOR THE GARDEN GROVE PARK MAINTENANCE DISTRICT (F: 69.2FY2011-12)(XR: 69.1)

Staff report dated August 9, 2011, was introduced and reviewed by staff.

Mayor Dalton declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

There being no response from the audience, the Public Hearing was declared closed.

The City Clerk announced that no written protests against the assessment were received by the closure of the Public Hearing. As a result, a majority protest was not submitted.

RESOLUTION NO. 9075-11

It was moved by Council Member Broadwater, seconded by Council Member Nguyen and carried by unanimous vote that full reading of Resolution No. 9075-11 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS FOR THE GARDEN GROVE PARK MAINTENANCE DISTRICT AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2011-2012 FISCAL YEAR, be and hereby is adopted.

PUBLIC HEARING - FISCAL YEAR 2011-12 ASSESSMENT FOR THE GARDEN GROVE STREET LIGHTING DISTRICT, INCLUDING THE ADDITIONAL LOCAL LIGHTING ASSESSMENTS FOR THE DARNELL/BECK AREA AND LORNA STREET (F: 69.2FY2011-12)(XR: 69.1)

Staff report dated August 9, 2011, was introduced and reviewed by staff.

Property owners in the Darnell/Beck Area and Lorna Street have requested additional local lights be installed along the street. An assessment balloting process is required to allow the City to charge for the additional assessment amount. Ballots were mailed to all property owners and are due to the City Clerk before the close of the Public Hearing.

Mayor Dalton declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

There being no response from the audience, the Public Hearing was declared closed.

This matter was continued to allow for the ballots to be counted.

AWARD OF CONTRACT TO HARRIS AND ASSOCIATES, INC. FOR PROJECT NO. 7237 - NINE ARTERIAL HIGHWAY REHABILITATION PROJECT FOR CHAPMAN AVENUE FROM NELSON STREET TO EUCLID STREET; FOR CHAPMAN AVENUE FROM 9TH STREET TO WEST STREET; FOR BROOKHURST STREET FROM HAZARD AVENUE TO WESTMINSTER AVENUE; FOR BROOKHURST STREET FROM TRASK AVENUE TO GARDEN GROVE BOULEVARD; FOR BROOKHURST STREET FROM CHAPMAN AVENUE TO ORANGEWOOD AVENUE; FOR EUCLID STREET FROM HAZARD AVENUE TO WESTMINSTER AVENUE; FOR WESTMINSTER AVENUE FROM BUSHARD STREET TO BROOKHURST STREET; AND FOR WESTMINSTER AVENUE FROM BROOKHURST STREET TO BOWEN STREET (F: 96.proj.7237)

Staff report dated August 9, 2011, was introduced and reviewed by staff.

It was moved by Council Member Beard, seconded by Council Member Nguyen, and carried by unanimous vote that the contract for engineering design services for Project No. 7237 - Nine Arterial Highway Rehabilitation Project, in the amount of \$366,120, be and hereby is awarded to Harris and Associates, Inc.; and the City Manager is authorized to execute the Agreement on behalf of the City.

SECOND READING OF ORDINANCE NO. 2795 - AMENDMENT TO TITLE 8, CHAPTER 28 OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO 10-DAY VEHICLE ABATEMENT (F: 50.2) (XR: 82.1)

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

ORDINANCE NO. 2795 was presented for second reading and adoption and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING CHAPTER 28 OF TITLE 8 OF THE GARDEN GROVE MUNICIPAL CODE RELATING ABATEMENT OF ABANDONED OR INOPERATIVE VEHICLES

Following the reading of the Ordinance title, it was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that Ordinance No. 2795 be and hereby is declared adopted.

URGENCY ORDINANCE NO. 2797-A – ESTABLISHING A REGISTRATION
PROCESS FOR EXISTING MEDICAL MARIJUANA DISPENSARIES
(F: 115.A-143-08) (XR: 50.2)

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

URGENCY ORDINANCE NO. 2797-A was presented for adoption and the title read in full, being AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING AN ELIGIBILITY CUT-OFF DATE AND A REGISTRATION PROCESS FOR POTENTIAL ELIGIBILITY OF MEDICAL MARIJUANA DISPENSARIES FOR FUTURE PERMITS, PENDING ADOPTION BY THE CITY OF REGULATIONS GOVERNING THE LOCATION AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES

Following the reading of the Urgency Ordinance title, it was moved by Council Member Beard, seconded by Council Member Jones, and carried by unanimous vote that Urgency Ordinance No. 2797-A be and hereby is declared adopted.

ORDINANCE NO. 2798-A – ESTABLISHING A REGISTRATION PROCESS FOR
EXISTING MEDICAL MARIJUANA DISPENSARIES
(F: 115.A-143-08) (XR: 50.2)

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

ORDINANCE NO. 2798-A was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING AN ELIGIBILITY CUT-OFF DATE AND A REGISTRATION PROCESS FOR POTENTIAL ELIGIBILITY OF MEDICAL MARIJUANA DISPENSARIES FOR FUTURE PERMITS, PENDING ADOPTION BY THE CITY OF REGULATIONS GOVERNING THE LOCATION AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES

Following the reading of the Ordinance title, it was moved by Mayor Dalton, seconded by Council Member Jones, and carried by unanimous vote that Ordinance No. 2798-A be and hereby is passed to second reading.

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER

Council Member Broadwater directed staff to look into using the rubberized asphalt on the West County Connectors Project as a noise deterrent, citing this type of asphalt was used to repave the SR 55.

Council Member Beard reminded the residents of the concert series at Eastgate Park this summer.

Mayor Dalton offered his condolences to the Nolan Family on the passing of James Nolan.

PUBLIC HEARING - FISCAL YEAR 2011-12 ASSESSMENT FOR THE GARDEN GROVE STREET LIGHTING DISTRICT, INCLUDING THE ADDITIONAL LOCAL LIGHTING ASSESSMENTS FOR THE DARNELL/BECK AREA AND LORNA STREET (CONTINUED) (F: 69.2FY2011-12)(XR: 69.1)

The City Clerk announced that a majority protest had not been received from the Darnell/Beck Area, nor from Lorna Street.

RESOLUTION NO. 9076-11

It was moved by Council Member Broadwater, seconded by Council Member Nguyen and carried by unanimous vote that full reading of Resolution No. 9076-11 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2011-2012 FISCAL YEAR FOR THE GARDEN GROVE STREET LIGHTING DISTRICT, be and hereby is adopted.

ADJOURNMENT

At 7:52 p.m., the meeting was adjourned in memory of James Nolan.

KATHLEEN BAILOR, CMC
CITY CLERK